

Fact Sheet:

RESIDENTIAL AND OUTPATIENT PROGRAMS COMPLIANCE BRANCH
Alcohol and/or Other Drug
Recovery or Treatment Facilities:
Most Frequently Asked Questions



The Residential and Outpatient Programs Compliance Branch (ROPCB) is responsible for the licensing and certifying of adult, non-medical alcohol and/or other drug (AOD) recovery or treatment facilities (programs), and the Drug Medi-Cal certification of clinics in the State of California.

The Driving-Under-the-Influence Program Branch and the Narcotic Treatment Program Licensing Branch are also located in the Licensing and Certification Division. You can obtain information about these programs at <http://www.adp.ca.gov/FactSheets>.

**Licensing and Certification of
AOD Facilities**
Frequently Asked Questions

**Licensed vs. Unlicensed
Facilities**

1. What facilities (programs) must the Department of Alcohol and Drug Programs (ADP) license?

California Code of Regulations (CCR), Title 9, Section 10501, defines a "facility" as any building or group of buildings which is maintained and operated to provide on a residential basis, one or more of the following alcoholism or drug abuse recovery or treatment services: detoxification; individual, group or educational sessions; treatment or recovery planning.

2. What facilities do not require licensure by ADP?

- Facilities that provide a cooperative living arrangement (sometimes referred to as a sober living environment, transitional housing, or alcohol and drug free housing) for persons recovering from alcohol and/or other drug problems. It is important to note that while sober living environments or alcohol and drug free housing are not required to be licensed by ADP, business permits or clearances may be required by the local cities or counties in which the houses are located.
- Facilities with licenses from other departments (e.g., group homes licensed by the Department of Social Services; Chemical Dependency Recovery Hospitals licensed by the Department of Health Services).

Licensed vs. Certified Facilities

3. What is the difference between a licensed and a certified facility?

Any residential facility providing one or more of the following services to adults must be licensed: detoxification; group, individual or educational sessions; and/or recovery or treatment planning. Nonresidential programs are not required to be licensed.

In addition to licensure, ADP provides a voluntary certification process to identify programs which exceed a minimal level of service quality and are in substantial compliance with the Department's standards. Certification is available to both residential and nonresidential programs. Obtaining certification is considered advantageous in gaining the confidence of both potential residents and third party payers.

More information may be obtained from the *Licensing and Certification of Alcohol and/or Other Drug (AOD) Recovery or Treatment Program* Fact Sheet by accessing the following ADP web page:
[http://www.adp.ca.gov/FactSheets/Licensing and Certification of Alcoholism orDrug Abuse Recovery or Treatment Programs.pdf](http://www.adp.ca.gov/FactSheets/Licensing_and_Certification_of_Alcoholism_orDrug_Abuse_Recovery_or_Treatment_Programs.pdf)

4. What kind of services will I expect to find in a licensed facility?

Residential facilities provide non-medical services to individuals who are working to overcome their addiction to alcohol and/or other drugs. Services include education, group, or individual sessions; recovery or treatment planning; and detoxification services. In addition, a licensed facility may offer individualized services (e.g., vocational and employment search training, community volunteer opportunities, new skills training, peer support, social and recreational activities, and information about and referral to appropriate community services).

5. Who do these facilities serve?

Residential facilities licensed by ADP serve adults 18 years of age and older. Adult facilities may also serve a limited number of adolescents (14 and older) on a waiver basis. Some facilities allow dependent children to reside with their parents. Licensed facilities are mandated to display their license, which indicates the treatment capacity and the population they are allowed to serve, in a public location.

Locating a Facility

6. I am looking for an alcohol and/or drug program. How do I locate one and how can I tell if it is licensed and/or certified?

ROPCB maintains a list, in county order, of licensed and/or certified programs. This information can be obtained by accessing the following ADP web page:
www.adp.ca.gov/LCB/pdf/lcb_rprt.pdf

In addition, the County Alcohol and Drug Administrator in your county has a list of programs that you can obtain by contacting your Alcohol and Drug Program County Office. You may locate your county's contact information at:
<http://www.adp.ca.gov/RC/pdf/cadpaac.pdf>

7. Will ADP recommend a facility or program?

ADP will not recommend a facility or program. ADP assures that facilities meet mandated requirements through the licensing and certification process. ADP recommends that individuals research programs or facilities that are being considered to find the one that best meets their needs. You may contact your County Alcohol and Drug Program Administrator for names and descriptions of programs in your county. You may also contact ADP and request any information regarding complaints that have been filed against any particular licensed and/or certified program.

8. How does one pay for services?

Payments for services are arranged by agreement between the resident and the facility. Some facilities receive federal and state funds through contracts with counties. Although costs may vary, any recovery or treatment service fee must be addressed in a written agreement at time of admission.

Starting a Facility

9. What is the process for licensing an alcohol and/or other drug (AOD) facility?

Prospective applicants must first have a location where they plan to provide non-medical alcoholism or drug abuse recovery, treatment, or detoxification services.

The applicant must also complete an initial application, submit an approved fire clearance from the local fire authority and pay an applicable license fee (nonprofit organizations and local governmental entities are exempt from the license fee). Incomplete applications will be

returned to the applicant.

Finally, the applicant must pass a facility on-site inspection conducted by ADP to determine compliance with all applicable laws and regulations. When it has been determined that the applicant is in compliance with all requirements, ADP will issue a license valid for two years.

Further information regarding the requirements for AOD licensure and certification, or Drug Medi-Cal certification can be provided to you by calling (916) 322-2911, or by writing to:

*Department of Alcohol and Drug Programs
ROPCB
1700 K Street, 3rd Floor
Sacramento, CA 95814*

Application packets for AOD licensure and certification, or Drug Medi-Cal certification can also be accessed on the following ADP web pages:

For Initial Licensing Application
<http://www.adp.ca.gov/LCB/InitialLicenseApp.shtml>

For Initial Certification Application
<http://www.adp.ca.gov/LCB/InitialCertificationApp.shtml>

For Initial Drug Medi-Cal Certification
http://www.adp.ca.gov/LCB/Drug_MediCal.shtml

ADP has contracted with the California Association of Addiction Recovery Resources (CAARR) to assist providers with free technical assistance. You may contact CAARR at (916) 338-9460 or by accessing the following web page: www.caarr.org

Information regarding funding that may be available for establishing a facility can be obtained at the federal Substance Abuse and Mental Health Services Administration (SAMHSA) website: www.samhsa.gov.

10. Can I get financial assistance to open an AOD facility?

Funding sources can be located through the ADP's Resource Center website:

<http://www.adp.ca.gov/RC/fundinfo.shtml>

You may also get funding information from Substance Abuse and Mental Health Services Administration (SAMHSA) website: www.samhsa.gov or by calling (301) 443-4111

For nonprofit health care facilities, the Cal-Mortgage Loan Insurance program offers assistance in obtaining private financing for developing or expanding services. You may contact the California Office of Statewide Health Planning and Development, Cal-Mortgage Loan Insurance Division at (916) 324-9957, or write them at 300 Capitol Mall, Suite 1500, Sacramento, California 95814, or by e-mail at cminsure@oshpd.state.ca.us

The California Association of Addiction Recovery Resources (CAARR) website can also provide useful information: www.caarr.org

11. What program areas are addressed by AOD licensure and certification?

The licensing application process includes a thorough review of the facility's program in the following areas: fire clearance, water supply clearance, plan of operation, total occupancy and treatment capacity determination, reporting requirements, personnel requirements, personnel records, admission agreements, health screening, resident records, personal rights, telephones, transportation, health-related services, food service, activities, building and grounds, indoor and outdoor activity space, storage space, fixtures, furniture, and equipment.

12. Will I need a zoning permit or local land use permit?

All facilities and programs applying for certification are required to submit approval from the local agency authorized to provide a building use permit. A residential facility that has a

licensed treatment capacity of six beds or less is exempt from this requirement.

Facilities that are only applying for licensure are not required to submit a zoning permit.

13. What role do other government agencies play in the licensing process?

ADP is the sole licensing authority for residential non-medical alcoholism or drug abuse recovery or treatment facilities.

Local officials are involved in zoning of property for commercial or residential use and issuance of use permits and business licenses. Facilities providing services to six or fewer people are exempt from certain local land use, zoning ordinances (not exempt from ADP licensure), and other restrictions, under the Health and Safety Code, beginning with Section 11834.20. The code states that such facilities cannot be subject to taxes, fees, use permits, or zoning requirements that other single family dwellings are not subject to.

Facilities utilizing central food service may also be subject to special permits issued through the local health department.

Local fire safety inspectors (or a representative from the State Fire Marshal's Office) conduct site visits in every facility applying for licensure to determine compliance with fire safety regulations. Although ADP may issue a license without regard to a conditional use permit, no license can be issued without an appropriate fire safety clearance. A valid fire clearance must be maintained.

The Federal Fair Housing Act of 1988 provides protection from discrimination for facilities serving persons recovering from problems related to the use of alcohol or other drugs.

14. How do I get referrals or clients for my facility?

There are several possible methods for getting referrals or clients. You can contact your County Alcohol and Drug Program Administrator and/or local organized alcohol and/or other drug groups such as Alcoholics Anonymous or Narcotics Anonymous. You may also advertise. ADP does not make referrals to facilities.

Complaints

15. How do I file a complaint about an AOD program?

ADP investigates complaints that deal with violations of the law, regulations, and/or certification standards, including facilities which are alleged to be operating without a license. ADP will initiate an investigation within ten working days of receipt of the complaint.

You can file a complaint by calling (916) 322-2911, or by faxing a completed complaint form to (916) 322-2658. The complaint form can be attained by accessing the following ADP web page:

<http://www.adp.ca.gov/feedback/ComQad.shtml>. You may also write to:

*Department of Alcohol and Drug Programs
ROPCB - Complaint Investigations Section
1700 K Street, 3rd Floor
Sacramento, CA 95814
Via email at: LCBcomp@adp.state.ca.us*

16. How can I be assured that someone will investigate my complaint?

ADP will investigate all complaints that deal with violation of an alcoholism or drug abuse treatment or recovery law, regulation, and/or certification standard. A program is evaluated according to Division 10.5 of the Health and Safety Code; CCR, Title 9; and/or the Alcohol and/or Other Drug Program Certification Standards, depending on its license or certification. Complaints can be made anonymously.

17. How does the State investigate situations involving unlicensed facilities?

If ADP receives a complaint in which a facility is alleged to be operating without a license, ADP staff shall initiate an investigation within ten working days of receipt of the complaint. If ADP finds that services are being provided unlawfully, ADP will notify the operator to cease operation. ADP also has the authority to assess fines for noncompliance if unlicensed facilities fail to comply, and may ask for court assistance to order closure of a facility.

18. How can a completed/closed ADP inspection report and/or complaint investigation report be requested on a facility?

The Public Records Act provides the public access to certain information following the completion of on-site inspections. You may request a copy of any completed/closed inspection report or complaint investigation by submitting a written request to:

*Department of Alcohol and Drug Programs
ROPCB – Public Information Request
1700 K Street, 3rd Floor
Sacramento, CA 95814
Via fax at: (916)322-2658*

Your request must provide the name and location of the facility and the year the report/investigation was completed.

Drug Medi-Cal Facilities

19. What is the difference between being certified for AOD program services and being certified for the Drug Medi-Cal (DMC) program for substance abuse treatment services?

AOD certification indicates that a program exceeds a minimal level of service quality and that the program is in substantial compliance with ADP's certification standards.

A clinic that is DMC certified is authorized to provide services that have been approved by a physician as medically necessary to an individual who is otherwise Medi-Cal eligible.

DMC certified facilities must also be AOD certified.

20. What are the first steps in becoming DMC certified?

Prospective applicants for DMC certification should first attend a free DMC orientation session provided by ADP. The DMC orientation will explain the requirements in the application process and the procedures once a provider is DMC certified. The session also serves as a source of technical assistance through the application process. Upon completion of the orientation, the applicant is issued a Certificate of Completion, which must be attached to the DMC application. For more information on an upcoming free DMC orientation sessions, you may contact OPCB at (916) 322-2911.

Applicants must also send a letter to the County Alcohol and Drug Program Administrator in which the clinic will be located; the letter should inform the county that the applicant is submitting a DMC Certification application to ADP. A copy of the letter must also be attached to the DMC application.

21. How do I become DMC certified?

Once ADP determines that the provider's application is complete, an on-site review is scheduled to ensure that the clinic is in full compliance with federal and State Medicaid requirements. Once the requirements are met a certification is issued.

For more information on the DMC application process and requirements, you may contact OPCB at (916) 322-2911.

22. How can I get reimbursed for my DMC services?

If you have met the State requirements and are certified as a DMC clinic you are eligible to be reimbursed for your services. The services eligible for reimbursement through the DMC system are outpatient drug free, narcotic treatment program (formerly outpatient methadone maintenance), day care rehabilitative, naltrexone, and perinatal residential.

Reimbursement for DMC services will normally be obtained through a contract with the county. Information regarding the contract process can be obtained directly from the County Alcohol and Drug Program Administrator for the county in which the clinic will be located.

Since the DMC program is considered to be a covered entity under the Health Insurance Portability and Accountability Act (HIPAA), claims submitted by the DMC clinic must be HIPAA compliant. The HIPAA 837 Professional (837P) claim transaction is the required claim format for State reimbursement of DMC services provided to eligible patients.

For more information on HIPAA, you may contact the ADP - HIPAA Compliance Section at (916) 327-3133, and for more information on DMC billing, you may contact the ADP - Fiscal Management Accounting Branch at (916) 323-2043.

General Questions

23. Do AOD treatment counselors need to be certified?

The Counselor Certification Regulations became effective on April 1, 2005, under California Code of Regulations (CCR), Title 9, Chapter 8, Commencing with Section 13000. Any individual providing intake, assessment of need for services, treatment or recovery planning, or individual or group counseling to participants, patients, or residents in an ADP licensed or certified program are required by the State of California to be certified.

To obtain certification, counselors must register with one of the 10 certifying organizations listed in the regulations; from the date of registry, counselors have 5 years to become certified. Information on counselor certification and the 10 certifying organizations may be obtained by accessing the following web page:
<http://www.adp.ca.gov/LCB/LCBhome.shtml>

Further information may also be obtained by calling ROPCB at (916) 322-2911.

24. How can I be assured that information about my participation in a licensed or certified AOD treatment or recovery program remains private?

The federal government enacted regulations in the early 1970's to guarantee the confidentiality of information regarding an individual that is receiving alcohol and/or drug abuse prevention and treatment services. These regulations were enacted to encourage persons with alcohol and/or other drug problems to get help without incurring the risk of adding to their problems. The regulations (Code of Federal Regulations 42, Part 2) apply to any licensed and/or certified recovery/treatment program and all the personnel connected with that program.

In 1996, Congress also enacted Public Law 104-9 known as the Health Insurance Portability and Accountability Act (HIPAA). One of the provisions under HIPAA requires the federal Department of Health and Human Services to adopt national standards for electronic health care transactions, and privacy and security rules to protect individual's identifiable health information. ADP, as well as California's licensed and certified AOD programs are currently required to comply with stringent confidentiality rules under federal regulations. For more information on HIPAA, you may contact the ADP - HIPAA Compliance Section at (916) 327-3133.

25. Are there facilities that provide alcohol and/or other drug treatment or recovery services that are licensed by other agencies?

Programs that have an alcohol and/or other drug recovery/treatment service component and are seeking additional funds from ADP may be required by their funding agency to obtain certification from ADP.

The California Department of Social Services licenses group homes and oversee an array of programs offered by group homes that provide care, supervision, and services for children at risk. The alcohol and/or other drug recovery/treatment services provided by these homes may also be certified by ADP.

The Department of Health Services licenses chemical dependency recovery hospitals that may also have ADP-certified alcohol and/or other drug recovery/treatment services.

26. What are other important information related to alcohol and/or other drug recovery programs?

Information about Alcohol- and Drug-Free Housing, better known as sober living can be obtained by accessing the following web page: <http://www.adp.ca.gov/FactSheets/Alcohol and Drug-Free Housing/pdf>

Information regarding Social Model Recovery can be accessed at: http://www.adp.ca.gov/FactSheets/Social_Model_Recovery.pdf and http://www.adp.ca.gov/FactSheets/Social_Model the Most Frequently Asked Questions.pdf

Information regarding the Therapeutic Community can be accessed at: http://www.adp.ca.gov/FactSheets/Therapeutic_Community.pdf and http://www.adp.ca.gov/FactSheets/Therapeutic_Community the Most Frequently Asked Questions.pdf